

Region 18 Hot Dish

NLRB REGION 18

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The Final R-Case Rule is Here!

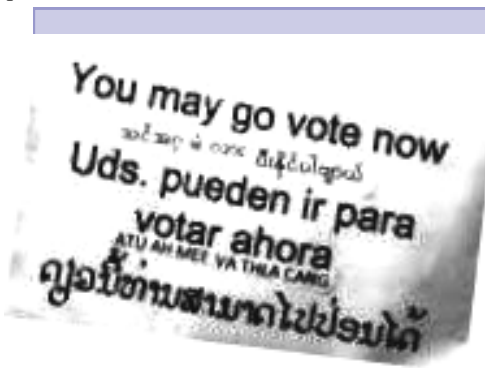
Adapted from Fact Sheets, Press Releases and FAQs available at nrlb.gov

On December 15, 2014, the National Labor Relations Board published in the Federal Register its Final Rule amending its representation-case procedures. The Final Rule went into effect on April 14, 2015.

However lawsuits challenging the Board's adoption of the Final Rule are pending in two federal district courts.

While the Final Rule changes some aspects of our representation case processing, the basic process is unchanged. We still work with the parties to enter into an election agreement so a pre-election hearing does not need to be held. And elections are conducted in the same manner as before the Final Rule.

A Guidance Memorandum discussing the new R-Case procedures, as well as a comparison of current and new R-Case procedures can also be found on the NLRB web site at <http://www.nrlb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015>. You can also find the News Release and Frequently Asked Questions about the Rules on the website at nrlb.gov.



On pages 4-7 of this issue of the Hot Dish, you can find additional information on filing a petition, the initial processing of a petition, pre-election hearings, direction of elections, elections and post-election hearings.

Region 18 Victory before ALJ in Terex

By Tyler Wiese, Field Attorney

On June 11, the Region secured an important victory in its continuing efforts to protect employees' right to freely choose whether or not to organize under the National Labor Relations Act when Administrative Law Judge David I. Goldman, issued a 103 page decision finding that

A.S.V., Inc. a/k/a Terex (Terex) had committed numerous and serious violations of federal labor law, including discharging 13 employees in retaliation for their attempts to organize with the International Brotherhood of Boilermakers. This victory represented the culmination of a long and intensive administrative investigation and trial, involving truly exceptional work by field examiners, attorneys, and management in the Regional office.

The Terex saga began in the spring of 2014, when employees at Terex's facility in Grand Rapids, MN began organizing with the Boilermakers.



(continued on page 3)

Linda McIlhon Retires from Des Moines Office

By Charles Chermak, Field Examiner

Linda McIlhon started work in the Region 18 – Des Moines Resident Office on August 20, 2006 as an Automation Assistant. This was her second job with the Federal Government, as she once worked for the Railroad Retirement Board. Linda retired as Claims Processing Assistant on July 31.

Q: What are some of your fondest memories of working for Region 18?

On my first day I reported to the Minneapolis Regional Office for orientation with Bernie Grenzer and training with Sara Frey. I knew right away I was going to like the job. Over the years I progressed to my current position of Claims Processing Assistant. I enjoyed each position I held.

The thing I liked best was meeting and making friends with so many great co-workers. From the beginning, everyone in Minneapolis and Des Moines was always so kind and helpful to me. I'm going to miss all of you and I hope to remain friends with you for many years.

Q: What are some of the biggest changes you witnessed during your career?

The switch to NxGen was quite a challenge, but turned out ok (with the exception of a few ongoing glitches). The

merger with Milwaukee was another major change which has been a great experience. The get-together in Onalaska was so much fun and I'm glad to have met everyone in that office.

I plan to spend as much time as possible with my family and friends, re-connecting with some old friends that I've lost touch with. I also have several projects to keep me busy around the house. I want to do some traveling, volunteer work, and just relax and enjoy myself.



Celebrating Linda McIlhon's NLRB career in Des Moines, Iowa.
From left: Bernadette Grenzer, Linda McIlhon, Jennifer Hadsall, Charles Chermak.

Q: What are you looking forward to in retirement?

I love spending time with my children and grandchildren - who are all perfect. I also enjoy spending time at Clear Lake, IA. Although we recently sold our condo there, we still own a boat and keep it there for when we are visiting the area.

Q: You are known at the office as a music aficionado. What music do you listen to? Who is your favorite group?

I listen to a wide variety of music, dating back to the pre-1960's with Elvis Presley and the early teen idols. I advanced through time and the British Invasion expanding my taste in music to Paul Revere & the Raiders, the Buckinghams, Herman's Hermits, the Rolling Stones and many more.

Without a doubt, the Beatles are my favorite group. I was fortunate enough to see the entire band together in Chicago in 1966. My favorite Beatle is "the cute one" Paul. In my opinion, his talent and versatility have made him an enduring force in music. I have been able to see him in concert 12 times and have two of his autographs.

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VISIT OUR REGIONAL WEBSITE: [HTTP://WWW.NLRB.GOV/CATEGORY/REGIONS/REGION-18](http://www.nlr.gov/category/regions/region-18)

Terex Victory in Grand Rapids, MN (continued from page 1)

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This organizational campaign led to two union elections. The first involved a small unit of painters. The second involved a much larger group of assembly employees. In the first election, the painters voted overwhelmingly in favor of representation. In the aftermath of this loss, Terex pulled out all the stops (lawful or otherwise) to ensure that employees would not make the same decision in the second election—including flying in the CEO of Terex Construction from Connecticut specifically to threaten assembly employees that they were putting their jobs at risk by voting for the Boilermakers. Terex's unlawful efforts to interfere with the assembly election were successful, as employees in that unit—under threat of their jobs and the closure of the Grand Rapids facility—voted not to be represented by the Boilermakers. The day after this election, to send a message about the cost of attempting to organize, Terex terminated 10 employees, including many of the most active union organizers in the paint department. Approximately three months later, Terex termi-

nated three more paint employees.

Terex's response to the organizing campaign prompted the Boilermakers to file a series of charges with the Regional Office in the summer of 2014. These charges were investigated by Field Attorney Florence Brammer and were found to have merit. Due to the aggravated nature of Terex's misconduct, the Region chose to seek injunctive relief (after approval by the five-member National Labor Relations Board), along with the traditional administrative trial process. The end result of this investigation was a two-week trial in December 2014 in Grand Rapids, MN (it was as warm as it sounds). During this trial, counsel for the Agency (Field Attorneys Florence Brammer and Tyler Wiese), counsel for the Boilermakers, and counsel for Terex presented lengthy testimony and voluminous

documentary evidence regarding alleged threats of job loss and plant closure made at captive audience meetings, disciplinary actions taken by Terex, and the level of employee support for the Boilermakers.

Ultimately, after an exhaustive and well-reasoned review of the evidence and existing case law, Judge Goldman sided with the counsel for the Agency and Boilermakers, finding that the terminations in fact would not have occurred but for the employees' organizing activities.

Ultimately, after an exhaustive and well-reasoned review of the evidence and existing case law, Judge Goldman sided with the counsel for the Agency and Boilermakers, finding that the terminations in fact would not have occurred but for the employees' organizing activities. In light of these discharges, the coercive statements made by the Employer on the eve of the assembly election, and employees' previously-expressed majority support for the Boilermakers, Judge Goldman further ordered that the results of the June 26 assembly election be set aside, and that Terex bargain with the Boilermakers as the representative of both the assembly and paint employees (this is called a *Gissel* bargaining order, named after the seminal United States Supreme Court case that approved this type of remedy in certain aggravated cases).

Judge Goldman's decision is currently on review before the National Labor Relations Board, and the Region expects that counsel for Terex will appeal. Nonetheless, the Region strongly believes Judge Goldman's thoughtful, thorough, and balanced decision will survive appellate review and that, ultimately, the decision of Terex's employees to exercise their protected rights under the National Labor Relations Act will be vindicated.

Carol Collins Recognized for Extraordinary Service

During Administrative Professionals Week each year, the NLRB recognizes several individuals for their "extraordinary service" to the Agency. This year, as a result of a nomination from colleagues and selection by Headquarters, Carol Collins, Region 18's Secretary to the Assistant to the Regional Director, received the honor.

Maintaining tradition, the Region kept Carol's award a surprise. Carol thought everyone had gathered to attend a mandatory staff meeting about the office relocation, but slowly realized that the office was participating in a videoconference with Headquarters and the other offices who had individuals being recognized. Assuming it was unlikely that someone would be chosen from Region 18 two years in a row (Office Manager Olga Bestilny received the award last year), Carol maintained her naiveté until the moment her name was announced!

Carol says, "Needless to say, I was surprised. Each person in our office has a specific thing that they do, but our jobs are being made more and more broad and a variety of work is being added as colleagues retire and are not replaced. The recognition really should be given to all support staff, as they all do amazing work."



Carol Collins proudly shows off her much-deserved Certificate for Extraordinary Service in Region 18's new conference room.

KNOW THE RULES!

A Guide to the Basics of the New Representation Case Rules

WITH RESPECT TO FILING A PETITION:

- Petition forms in RC, RD and RM cases will include Petitioner's position on the type, date, time, and place of the election sought and the Petitioner's designated representative for service of documents.
- The Petitioner must serve the employer and all parties named in the petition with a copy of the petition, a blank [Statement of Position form](#), and a copy of the [Description of Procedures in R cases](#).
- The Petitioner may file the petition by E-Filing (through the Agency's website at <http://www.nlr.gov>), by facsimile, by mail, or in person at one of the NLRB's field offices.
- When filed, the petition must be accompanied by the showing of interest in support of the petition and a certificate of service. The showing of interest may now be E-Filed or faxed, but originals must be provided to the Region within two business days of the filing of the petition.
- When filed, the petition must also be accompanied by a Certificate of Service showing service by Petitioner on all parties named in the petition of a copy of the Petition, a blank Statement of Position form, and a copy of the Description of Procedures in R-Cases. An optional [Certificate of Service](#) form is available for this purpose.

FORM NLRB-502 (RC)
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov , submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.	
1. PURPOSE OF THIS PETITION - RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.	
2a. Name of Employer	2b. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code)
3a. Employer Representative - Name and Title	3b. Address (if same as 2b - state same)
3c. Tel. No.	3d. Cell No.
3e. Fax No.	3f. E-Mail Address
4a. Type of Establishment (Factory, mine, wholesaler, etc.)	4b. Principal product or service
5a. City and State where unit is located.	
5b. Description of Unit Involved	
Included:	
Excluded:	
6a. No. of Employees in Unit:	
6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Check One: <input type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).	
<input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.	
8a. Name of Recognized or Certified Bargaining Agent (If none, so state).	
8b. Address	8c. Tel. No.
8d. Cell No.	8e. Fax No.
8f. E-Mail Address	8g. Affiliation, if any
8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? _____ If so, approximately how many employees are participating? _____ (Name of labor organization) _____ has picketed the Employer since (Month, Day, Year) _____	
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)	
10a. Name	10b. Address
10c. Tel. No.	10d. Cell No.
10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.	
11a. Election Type <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	11b. Election Date(s):
11c. Election Time(s):	11d. Election Location(s):
12a. Full Name of Petitioner (including local name and number)	
12b. Address (street and number, city, state, and ZIP code)	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)	
12d. Tel. No.	12e. Cell No.
12f. Fax No.	12g. E-Mail Address
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.	
13a. Name and Title	13b. Address (street and number, city, state, and ZIP code)
13c. Tel. No.	13d. Cell No.
13e. Fax No.	13f. E-Mail Address
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.	
Name (Print)	Signature
Title	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The outline uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

WITH RESPECT TO INITIAL PROCESSING OF A PETITION:

- The NLRB will send the Employer a Notice of Hearing and a Notice of Petition for Election. Within 2 business days of service of the Notice of Hearing, the Employer must post the Notice of Petition for Election in all places where notices to employees are customarily posted. The Employer must also distribute the Notice of Petition for Election electronically if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice may be grounds for setting aside an election whenever proper and timely objections are filed.
- The NLRB generally will schedule the pre-election hearing for a date eight days after service of the Notice of Hearing (excluding intervening holidays) or the next business day thereafter if the 8th day falls on a weekend or Federal holiday. The hearing may be postponed up to two business days upon request of a party showing special circumstances or more than two business days upon request of a party showing extraordinary circumstances.
- A completed Statement of Position form must be filed and served by the Employer such that is received by the other parties and the regional director by the date and time specified in the Notice of Hearing, which will generally be at noon of the business day before the pre-election hearing is set to open.

KNOW THE RULES!

A Guide to the Basics of the New Representation Case Rules

WITH RESPECT TO INITIAL PROCESSING OF A PETITION (CONTINUED):

The Statement of Position solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. It will include:

1. A completed commerce questionnaire.
2. Whether the Employer agrees the proposed unit is appropriate and if not, the basis for its contention that the proposed unit is not appropriate and the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.
3. Any individuals whose voting eligibility the Employer intends to contest at the pre-election hearing, and the basis of each such contention.
4. Any election bar asserted by Employer.
5. Other issues the Employer intends to raise at the pre-election hearing.
6. The Employer's position on election details: type of election, date(s), time(s), location(s), payroll period information, and eligibility period.
7. Contact information for the Employer's authorized representative.
8. An alphabetized list containing the full names, work locations, shifts and job classifications of all employees in the petitioned-for unit. Unless the employer certifies that it does not have the capacity to produce the list in the required format, the list must be in a table in a Microsoft Word file

(.doc or docx) or a file that is compatible with Microsoft Word. The first column of the table must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of

the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections.

9. If the Employer claims the petitioned-for unit is not appropriate, it must also provide the full names, work locations, shifts and job classifications of all individuals the Employer claims must be added to the unit to make it an appropriate unit. The Employer must also indicate those individuals, if any,

whom it believes must be excluded from the petitioned-for unit to make it an appropriate unit.

If the Employer fails to timely furnish the list(s) of employees, the Employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing.

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD STATEMENT OF POSITION		DO NOT WRITE IN THIS SPACE	
		Case No.	Date Filed
INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing. Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.			
1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b.)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit. Added _____ Excluded _____			
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015 . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an appropriate unit.			
State your position with respect to the details of any election that may be conducted in this matter. 8a. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date	
9d. Address (Street and number, city, state, and ZIP code)	9e. e-Mail Address		
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.	
WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. Code, Title 18, Section 1001) PRIVACY ACT STATEMENT Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.			

KNOW THE RULES!

A Guide to the Basics of the New Representation Case Rules

WITH RESPECT TO PRE-ELECTION HEARINGS:

- The purpose of the hearing is to determine if a question of representation exists. Although an appropriate unit must always be established, disputes concerning individuals' eligibility to vote or inclusion in an appropriate unit ordinarily need not be litigated or resolved before an election is conducted. The Regional Director has discretion to defer litigation of individual eligibility or inclusion issues until after the election, if necessary.
- At the hearing, the Statement of Position is received into evidence and all other parties will respond on the record to each issue raised in the Statement of Position before introduction of further evidence. A party generally will be precluded from raising any issue, presenting evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in



response to another party's Statement of Position or response.

- At the hearing, the Hearing Officer will solicit the parties' positions on the type, date(s), time(s), and location(s) of the election; the eligibility period; and the need for foreign language ballots or notices. The hearing officer will also solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the Region should transmit the

Notice of Election if the Regional Director directs an election and will inform the parties of their obligations if an election is directed and the time for complying with such obligations.

- Parties are entitled to oral argument but are not allowed to file post-hearing briefs unless the Regional Director grants special permission.

WITH RESPECT TO AN ELECTION:

- An alphabetized voter list must be *received* by the regional director and the parties within two business days after approval of the election agreement or issuance of the direction of election unless a longer time was specified in the agreement or in the decision and direction of election.

- The voter list must contain the eligible voters' full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses and available home and personal cell phone numbers). Unless the employer certifies that it does not have the capacity to produce the list in the required format or the parties agree to a different format, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times



New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections.

- The voter list must also include in a separate section the same information for those individuals who will be permitted to vote subject to challenge based on the parties' agreement or the direction of election.

- The Notice of Election will ordinarily be transmitted with the D&DE or sent promptly after the election agreement is approved. The Employer must post the Notice for at least 3 full working days (excluding Saturdays, Sundays and holidays) prior 12:01 am on the day of the election and must also distribute it electronically if it customarily communicates with the employees in the unit electronically.

- A party can generally challenge someone for good cause at the election whose eligibility was not contested at the hearing.

KNOW THE RULES!

A Guide to the Basics of the New Representation Case Rules

WITH RESPECT TO OBJECTIONS AND POST-ELECTION HEARINGS:

- Objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof. However, the Regional Director may extend the time for filing the offer of proof upon request of a party showing good cause. The party filing the objections, must serve the objections, including the short statement of the reasons therefore, but not the offer of proof, on the other parties.
- A hearing on objections or determinative challenges will be scheduled to open 21 days after the preparation of the tally of ballots or as soon as practicable thereafter, unless parties agree to an earlier date.
- Exceptions to the Hearing Officer Report must be filed with the Regional Director.
- Except in consent election agreement cases, all Regional Director post-election decisions will be subject to discretionary review by the Board.



WHERE CAN I FIND MORE INFORMATION ABOUT REPRESENTATION CASE RULES?

Find additional information

on our website

www.nlr.gov

For more information about the Final Rule, please visit <http://www.nlr.gov/news-outreach/fact-sheets/nlr-representation-case-procedures-fact-sheet>.

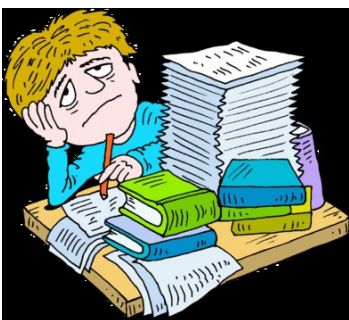
Agency Attorneys Travel to Atlanta for Trial Training

by Jim Fox, Deputy Regional Attorney

Every five years or so, budget permitting, the NLRB convenes a week-long trial attorney training conference for newer NLRB attorneys. The 2015 version was held in Atlanta during the week of August 3 with approximately 90 participants and 36 instructors from across the country.

General Counsel Richard Griffin addressed the conference and discussed his priorities and initiatives. In addition, other speakers from headquarters presented at plenary sessions on topics such as electronic discovery, ethics and Section 10(j) injunctions.

The main focus of the conference was development of individual trial skills. All participants and instructors were required



to become thoroughly familiar with an extensive, hypothetical case file con-

taining affidavits, documentary evidence, position statements, complaint and answer, and the like. The case involved an organizing campaign, several discharges of leading union adherents, and “hallmark” threats of retaliation based on union activity. The complaint sought a *Gissel* bargaining order remedy. The fact pattern—which has remained essentially unchanged over the years—includes several unexpected twists and turns (no spoiler alert needed). The facts were updated this year to include electronic records and unlawful social media and handbook rules.

Participants were required to prepare direct, cross- and adverse witness examinations, including laying the proper foundation for introduction of documents and other “real” evidence, and their examinations were videotaped. Immediately after each examination, the participant was critiqued by colleagues and instructors. The participant and an instructor then privately reviewed the tape and further critiqued the performance.

Having attended many prior conferences



as both a participant and an instructor, I say that this conference is very challenging but also highly rewarding. These conferences also provide terrific opportunities for NLRB attorneys to meet colleagues, supervisors and managers from throughout the country and headquarters.

Four of Region 18’s attorneys attended as participants: Chinyere Ohaeri, Abby Schneider, Rachael Simon-Miller and Tyler Wiese. Supervisory Attorney Nichole Burgess-Peel and I served as instructors.

Check out the next issue of *The Hot Dish* for a first-hand account from the attendees!

Former Field Attorney Andrew Gollin: Where is He Now?

by Margaret Wadzinske, Field Examiner

Subregion 30 was curious about our former colleague Andrew Gollin, and while we would have loved a tour of Cincinnati, true to its name, *The Hot Dish* is all about being budget-minded and convenient, so we sent him an e-mail instead...

Judge Gollin: Andy is settling into his new position as a judge with Social Security. As expected, he finds the work very interesting, the other judges are very helpful and supportive as he learns the ropes, and the staff is wonderful.

The Gollins: The family is adjusting to Cincinnati. Patricia, Andy’s wife, accepted a position as a lactation consultant, which she will be able to walk to. The

Gollin children are making friends in their new activities.

Sports: Cincinnati is a very big baseball town, and the Gollins support the Reds... even though they are nearly as bad as the Brewers (Andy’s home team). The Gollins rooted for Reds’ 3rd basemen Todd Frazier at the Home Run Derby this year... and Frazier won! Andy detailed a near-miss with a Bengal: wide receiver A.J. Green almost ran him over with his Ferrari while Andy was walking to his car after work (Green runs a football camp at a practice field near Social Security offices). So close! Green may have stopped if it were any closer.

Favorite Hot Dish: Shrimp Tempura. Andy has yet to try Ohio’s own hot dish—Cincinnati Chili.

We think of Andy often and look forward to more updates.



NEED A SPEAKER? CALL ON US!

The NLRB is continuing its efforts to reach community groups with information about the Agency. Regional staff members are available to speak to organizations, large and small, at your request. We regularly provide speakers to make presentations to colleges, high schools, technical schools, labor unions, employer associations, staff of legal services or other civil rights agencies, or any group with a particular interest in the nation's labor laws.

We have given presentations on introductory and general information such as the history of the Agency and the National Labor Relations Act, how to file charges and petitions with the Agency, and how the Agency investigates cases. The Region has also given more in-depth presentations on specific issues such as successorship, the duty of fair representation, *Beck* Rights, protected concerted activity in a non-union workplace, etc.

For Region 18 inquiries, please contact the Region's Outreach Coordinator, **Chinyere Ohaeri at 612-348-1766 or via email at Chinyere.Ohaeri@nlrb.gov** to make arrangements for a speaker.

For Subregion 30 inquiries, please contact the Subregion's Outreach Coordinator, **Percy Courseault at 414-297-3877 or via email at Percy.Courseault@nlrb.gov** to make arrangements for a speaker.

Each day, an agent is responsible for serving as the Region's Information Officer (I.O.). In this series, we share particularly interesting and informative I.O. questions and answers.

Dear Abby...

I have always just picked up a copy of filed charges or petitions in the lobby of the Regional Offices or called the Information Officer to get this information. Suddenly, this practice has changed and the last time I called to ask for a copy of a charge or petition, I was told I would have to make a FOIA request for this information. Why is this and what must I do to get this information I want?

On August 12, 2015, the General Counsel issued GC Memorandum 15-07, which directed Regional offices to no longer make these Agency documents available to the public to maintain consistency with FOIA processing. This required removal of the binders from Regional lobbies and that information officers and Board Agents direct inquiries for copies of Agency documents to the FOIA branch of the Agency. As explained in GC Memo 15-07, this is intended to better align the Agency's disclosure practices with the policies underlying individual protections codified in Section 7 of the NLRA and FOIA's privacy-protecting exemptions. To request such documents, you must make a FOIA request. To do so, go to www.nlrb.gov, click on "News & Outreach," then click "FOIA" and "E-FOIA Request." There is no phone number to call to request this information--all requests must be made in writing through the FOIA branch. For more explanation of this policy, please refer to GC Memo 15-07, which is also available on our website at nlrb.gov.